Basic information

2005/2203(INI) INI - Own-initiative procedure	Procedure completed
Report on the Annual Report on Human Rights in the World 2005 and the European Union's policy on the matter **Subject** 6.10.08 Fundamental freedoms, human rights, democracy in general	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFET Foreign Affairs	HOWITT Richard (PSE)	28/10/2005

Committee for opinion	Rapporteur for opinion	Appointed
FEMM Women's Rights and Gender Equality	ROMEVA I RUEDA Raül (Verts/ALE)	23/11/2005

European Commission

Commission DG	Commissioner
External Relations	

Key events

Date	Event	Reference	Summary
17/11/2005	Committee referral announced in Parliament		
20/04/2006	Vote in committee		Summary
02/05/2006	Committee report tabled for plenary	A6-0158/2006	
17/05/2006	Debate in Parliament		
18/05/2006	Decision by Parliament	T6-0220/2006	Summary
18/05/2006	Results of vote in Parliament		
18/05/2006	End of procedure in Parliament		

Technical information

Procedure reference	2005/2203(INI)

Procedure type	INI - Own-initiative procedure
Procedure subtype	Annual report
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	AFET/6/31475

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE368.090	01/02/2006	
Committee opinion	FEMM	PE367.909	21/02/2006	
Amendments tabled in committee		PE370.252	14/03/2006	
Committee report tabled for plenary, single reading		A6-0158/2006	02/05/2006	
Text adopted by Parliament, single reading		T6-0220/2006	18/05/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	12416/2005	28/09/2005	Summary

Report on the Annual Report on Human Rights in the World 2005 and the European Union's policy on the matter

2005/2203(INI) - 18/05/2006 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Richard **HOWITT** (PES, UK) in response to the EU Council's Annual Report on Human Rights in the World 2005. (Please see the summary of 20/04/2006.) It felt that, despite vigorous activities to advocate the promotion of human rights, such efforts were largely confined to specialists and to one-off representations. There was a general failure by the EU systematically and continuously to address human rights concerns with respect to third countries and to mainstream human rights policy with respect to the Union's trade, development and other external policies vis-à-vis such countries.

The Council's Annual Report: Parliament welcomed the increased clarity of the report but wanted the report to include, in the future, a role for the Parliament in the drafting of the report so that the final version would be a real attempt to reflect the views of the Council, the Commission and the Parliament. A key priority for the Council in future human rights reports should be the analysis and implementation of the EU's guidelines, as well as the production of impact assessments for each of the guidelines, weighing up their effectiveness in forging change in third countries.

European Union activities during the two Presidencies: The approach of the UK Presidency regarding the death penalty was commended, since it undertook demarches in countries where either a moratorium on the death penalty was in danger of being de jure or de facto lifted or where internal steps aimed at introducing a moratorium were under consideration. Parliament asked all future Presidencies to follow this example to demarche such countries regularly. It praised the initiatives taken by the Luxembourg Presidency to overcome the problem of limited resources.

Performance of Council and Commission activities in the area of human rights in international fora: The Council and the Commission were asked to make significant efforts to link their discussions conducted in international fora with the EU's bilateral political dialogues, development and trade policy, and to avoid the current situation in which countries opposing EU human rights initiatives in international fora could do so with little expectation that they would suffer any adverse consequences in respect of bilateral relations. Parliament asked the Council to take action to set standards for membership of the new UN Human Rights Council which guaranteed the credibility and efficacy of the future body. Parliament was concerned that countries with a poor human rights record had been elected as members of the UN Human Rights Council, and therefore stressed the importance of establishing a universal "peer review" with the task of examining the human rights situation in all countries. In general, it considered that EU activities

in the UN with respect to human rights were too introverted. With regard to the ILO, Parliament was surprised that it was possible for a country such as Belarus to be elected in June 2005 to the Governing Body of the ILO despite the fact that Belarus was not a democracy with free trade unions and four major EU countries are permanent members of the Governing Body. The Council was asked to explain its diplomatic demarches prior to that election.

Parliament went on to congratulate the Council and the Commission for the substantial diplomatic success in achieving the referral by the UN Security Council of the case of Darfur in Sudan to the ICC. However, Parliament expressed concern at the deteriorating security situation in Darfur, and urged the international community to act immediately to stop the violence, while providing substantial support to the African Union as well as a sufficient level of humanitarian aid to the population affected. It called on the US Administration and the Congress to end the delay and ratify the Rome Statute establishing the ICC. No legal exception could be made for the United States on this point. Parliament condemned the fact that certain countries, including a number of EU Member States, have entered into "bilateral agreements" with the United States granting de facto impunity to US soldiers.

EU political and human rights dialogues and consultations as well as general political dialogue with third countries:

Parliament pointed to the need for the Union and each and every Member State to act coherently and in accordance with Treaty and acquis obligations where human rights were concerned, in order to avoid inconsistencies that would diminish the moral authority of the Union in the international system. It went on to speak of China, with its continuing reports of a long list of human rights abuses. It condemned the Iranian President's call for Israel to be wiped off the map and expressed its concerns about the human rights situation in Iran and called for intensified contacts and cooperation with Iranian civil society and further support democracy and human rights. It also expressed concern about : serious human rights abuses in Iraq, including in Iraqi prisons but welcomed EU support for the new government in Iraq; the new Russian NGO legislation which might inhibit human rights organisations from carrying out their activities properly whenever respect for human rights is at stake or even from functioning at all; extrajudicial killings, disappearances and torture in custody in Chechnya, as well as attacks on human rights defenders engaged in investigating and speaking out about human rights violations in Chechnya.

Furthermore, Parliament called on the Council to consider adopting the approach taken by governments of some Member States to identify a list of "Countries of Particular Concern" with respect to human rights violations. Those countries should be highlighted in accordance with concrete criteria in order to draw greater attention to human rights in the implementation of all EU policies with respect to the countries identified, including the imposition of aid or trade sanctions if breaches persist. Parliament welcomed the introduction of human rights concerns with specific benchmarks in all National Action Plans drawn up in the framework of the European Neighbourhood Policy (ENP). The Council must hold such countries to their commitments and consider measures to be taken in the event that they do not fulfil them within an agreed timeline. Parliament drew specific attention to the weakness of human rights engagements in this respect with Morocco and the Western Sahara, Tunisia, Syria, Israel and the Palestinian Authority, Algeria and Egypt, the Action Plans concerning the latter two countries still being under negotiation.

General scrutiny of Council and Commission activities: Parliament appreciated that in the area of human rights, EU activities, such as demarches to third countries, must sometimes be confidential. It asked the Council and the Commission to develop, together with Parliament, a confidential system whereby selected Members of the European Parliament can be kept informed of demarches.

The Commission's external assistance programmes

The European Initiative for Democracy and Human Rights (EIDHR): Parliament underlined the importance of the EIDHR as one of the chief instruments which the EU has at its disposal, and emphasised the advantage that EIDHR programmes did not require governmental approval in the country of implementation and that the majority of EIDHR funding is available for civil society organisations. A significant proportion of funding should be devoted to smaller, grassroots projects. Parliament also asked the Commission to make available all impact assessment reports regarding projects which are produced by external or internal evaluators, in order to ensure proper scrutiny.

Consideration of the implementation of the human rights and democracy clauses: Parliament reiterated its call for a sliding scale of measures and a clear system of sanctions to be used with respect to violations of the human rights clause by third countries. It also asked the Council to consider extending qualified majority voting to the decision to adopt restrictive measures at a future appropriate time. There must be a better monitoring and consultation mechanism with respect to the clause. The Council's decision of 3 October 2005 to impose sanctions on Uzbekistan was supported but Parliament regretted that the sanctions took six months to enact. It called on the Council and the Commission to open the consultation procedure under Article 96 of the ACP-EU Agreement with regard to the human rights situation in Eritrea.

Implementation of EU Human Rights Guidelines: Parliament welcomed the commitment of the Austrian Presidency to continue the practice of demarches in respect of all of the EU's international partners regarding the ratification of international conventions banning the use of torture. It was also concerned at the allegations of relocation and outsourcing of torture in third countries and called on the EU to consider the fight against torture as a top priority of its human rights policy. In addition, high priority must be given to full implementation of the EU Guidelines on Human Rights Defenders, including organising staff in delegations, embassies and consulates on the application of those guidelines.

Mainstreaming of human rights: Parliament called on the EIB, as one of the agencies implementing EU development policies through lending and the biggest public financial institution in the world, fully to incorporate human rights concerns in all its project evaluations and to ensure adequate internal capacity to mainstream human rights in its operations. Parliament also asked the Commission to apply objective criteria when granting GSP+ benefits to countries which had shown serious flaws in the implementation of the eight ILO conventions relating to Core Labour Standards, and in particular to monitor implementation of the commitments made by Venezuela, Moldova, Sri Lanka, Mongolia, El Salvador, Guatemala and Colombia in advance of the Commission decision of December 2005. It also discussed the following:

-the need to ensure compatibility of trade agreements with existing UN treaties on human rights, to carry out independent sustainability assessments prior to trade negotiations, specifically assessing the impact on human rights, and to monitor any negative impact of existing and proposed trade rules in respect of human rights and social and environmental matters;

-the need to include systematic human rights monitoring in all country strategy papers, regional strategy papers, national indicative programmes, regional indicative programmes and action plans;

-the Commission should develop a strategy for promoting the application of all EU human rights guidelines in conjunction with trans-national corporations, when implementing its recent Communication of 23 March 2006 on corporate social responsibility

-current migration management measures did not always, in practice, safeguard access to protection for refugees. Parliament called on the Council and the Commission to ensure that migration management did not become a condition for development cooperation with third countries, and that the Regional Protection Programmes remain protection-oriented and are based on the principle of international solidarity.

Effectiveness of the European Parliament's interventions in cases of human rights: Parliament welcomed the first year of activities of the Subcommittee on Human Rights within the Foreign Affairs Committee, which had created a focal point for activities on human rights which was absent during the last parliamentary term. Parliament's work on human rights could be rendered more effective in a number of ways, for example through more intense scrutiny of Council and Commission activities vis-à-vis countries with human rights concerns and consistent follow-up and timely impact assessment of all human rights statements made in resolutions and their implementation. The Subcommittee should consider setting up small informal working groups to follow each set of Guidelines, so as to be better able to follow the Council's work in this regard and to submit proposals. Parliament also called upon the Council and the Commission to ask the US Government immediately to close the Guantánamo detention centre, and to insist that all detainees be accorded treatment compatible with humanitarian law and stand trial without delay in fair proceedings in open court before a competent, independent and impartial tribunal.

Resources devoted to human rights work: The Commission was requested to designate at least one permanent post in each third-country delegation as having responsibility for monitoring the human rights situation in the country concerned, promoting international human rights standards and being in charge of relations with civil society, such as relations with human rights defenders. Parliament also asked the Council to strengthen the Human Rights Unit in its General Secretariat and in particular to add new posts for experts with human rights backgrounds and specialist knowledge of international humanitarian and human rights law to assist the Personal Representative on Human Rights.

Report on the Annual Report on Human Rights in the World 2005 and the European Union's policy on the matter

2005/2203(INI) - 28/09/2005 - Document attached to the procedure

This seventh European Union Annual Report on Human Rights covers the period 1 July 2004 to 30 June 2005. The purpose of the report is to provide an overview of the work of the EU, through its institutions, in promoting human rights, democracy and good governance.

The report highlights those topics, institutions and countries where EU action has been particularly significant during the reporting period. It has also introduced some changes to previous formats. For the first time, the European Parliament has contributed a section on the work it has been doing for human rights. The report has also analysed the results of EU actions in terms of their impact. It contains illustrations of how the different instruments, especially financial ones, can be used to contribute to overall policy objectives.

Although the upsets in the ratification process of the EU Constitutional Treaty have diminished the prospect of embedding human rights legally within the EU structures in the near future, the EU remains determined to respect human rights within its own borders and to continue to work for their observance outside them. At a time when terrorist atrocities continue to be perpetrated around the world, the promotion of human rights as a means of combating intolerance and extremism remains more than ever relevant. The report demonstrates how the EU has been active in addressing this issue.

Developments within the EU: This chapter examines the most recent developments, and discusses the future Fundamental Rights Agency, which will provide the relevant EU institutions and member states with expertise and assistance with regard to the implementation of Community law and the development of measures and actions affecting human rights questions. The main points are as follows:

-the Commission adopted on 30 June 2005 proposals for a Council Regulation establishing a

European Union **Agency for Fundamental Rights** (please see COM (2004)0693) and for a Council Decision defining the scope of the Agency’s activities in areas referred to in Title VI of the Treaty on European Union. If the Regulation is approved, the Agency will operate within the competencies of the Community under the Regulation, but its scope would be extended to matters relating to police and judicial co-operation in criminal matters as a result of the parallel Council Decision;

-in January 2005 Javier Solana, EU High Representative for the CFSP, appointed Michael Matthiessen as his Personal Representative on Human Rights. During the period covered by this report the Personal Representative contributed to the mainstreaming of human rights throughout the EU institutions. He enhanced the EU's visibility at the 61st session of the UN Commission on Human Rights and lobbied effectively for EU positions.

-the report discusses in detail the contribution of the European Parliament to promoting human rights, including the workings of its competent committees. It highlights certain events: in 2004, the European Parliament awarded its annual Human Rights Prize, the Sakharov Prize for Freedom of Thought, to the Belarusian Association of Journalists in recognition of its outstanding commitment to the cause of freedom of speech and the promotion of independent journalism in Belarus, despite the continuous danger of persecution by the Belarusian authorities. Also of substantial significance during 2004 was the special ceremony for the 1995 Sakharov Prize laureate Leyla Zana who had been unable to collect the Prize personally. She was finally released on 9 June 2004.

EU Instruments and Initiatives in third countries: The EU has a number of instruments at its disposal to promote human rights in third countries. These include five EU Guidelines on Human Rights on issues of particular importance to EU member states, which have been adopted by the Council since 1998. The report goes on to give an overview of other legal and policy instruments during this period. They include Common Strategies, Joint Actions, and Common Positions; démarches and declarations; human rights dialogues and ad hoc consultations, notably with China, Iran, and Russia; troika consultations on human rights with US, Canada, Japan, New Zealand and Candidate countries; human rights clauses in co-operation agreements with

third countries; activities funded under the European Initiative for Democracy and Human Rights (EIDHR), the resources of which in 2004 amounted to over EUR 100 million, to fund a wide range of projects in 32 countries.

The analysis of effectiveness of EU instruments and initiatives in this chapter demonstrates many of the effective ways in which the EU instruments have been used to actively promote human rights. The EU aims to be a "convincing power" rather than an "imposing power", with engagement and dialogue as the preferred means of interaction with third states, and effectiveness the aim. The EU has to seek a balance between persuasion and critical action. Promoting human rights involves building relations of trust, having a genuine exchange of views, setting conditions for fruitful co-operation and offering assistance to meet them, but being willing to indicate clearly when red lines have been crossed.

Available instruments include incentives as well as restrictive measures. The EU is a major donor and trade partner but does not shy away from suspending certain provisions of co-operation agreements, introducing critical resolutions at major UN fora or a visa ban, or sending teams of civilian and military staff, until a human rights situation improves.

During the Dutch Presidency, COHOM (Council Working Party on Human Rights) took the initiative to periodically review all EU human rights dialogues. The main points in this section are as follows:

-the EU has been encouraged by some signs of progress in the China dialogue;

-there has been little overall progress since the EU-Iran dialogue began;

-it is too early to evaluate progress in the EU-Russia consultations, which were only launched in May 2004;

-Troika consultations with the US, Canada, Japan and New Zealand have helped align common approaches;

-the EIDHR supports a range of vital human rights work in third countries. EU political priorities are reflected in the programming of community aid. However, greater effort accordingly needs to be made to reduce the gap between priority setting (through programming) and its implementation;

-the European Parliament plays a very wide-ranging role in promoting human rights. It has undertaken activities that are topical and specific, as well as focused on issues, like UN reform, that are more long-term in their impact. In addition, the Parliament continues to keep up pressure on both the Commission and the Council to sustain their efforts in these fields. The active involvement of MEPs in election observation missions demonstrates how all three EU institutions effectively cooperate together.

The report goes on to detail other Community action in the field of human rights. The following should be noted:

Thematic issues: this chapter discusses the death penalty, torture, and other cruel, inhuman and degrading treatment or punishment, rights of the Child (including Children and Armed Conflict) human rights Defenders, and asylum, migration, refugees and displaced persons. The breadth of activities on human rights themes which the EU undertakes in international fora, bilateral and regional relations and through funding programmes demonstrates a strong commitment to advancing human rights. Such action is particularly effective where the EU is perceived as having a strong record of promoting and protecting particular human rights within its own borders. EU policy may be particularly effective where there is a concerted effort by EU member states to ratify and implement a new human rights instrument, thereby providing a solid basis for the EU to secure wider international support. The EU' s political, diplomatic and financial efforts to promote the Rome Statute of the International Criminal Court – which now enjoys 99 ratifications – demonstrate this. Where such an approach is not possible, the EU's policy goals may not be realised as effectively.

Financial instruments: EU policy is also furthered most effectively where EU financial instruments – in particular the EIDHR – are successfully complementing EU policy priorities. However, the EIDHR cannot support projects relating to all EU human rights priorities. Extensive support is also available for human rights and democracy programmes under mainstream bilateral and regional EU funding. Where the EU wishes to ensure that EU and member state funding programmes complement and reinforce each other, problems may arise due to different programming procedures and priorities. For example, the Plan of Action on children and armed conflict is designed to ensure that projects funded by the EU and by individual member states contribute to a wide range of concerns: establishing a comprehensive response has proved difficult. Effective EU action may also require institutional innovation. One example relates to the human rights of women. Despite an extensive array of legislation and programmes, significant gender gaps remain in most policy areas. These challenges have led to the Commission proposal for a European Institute for Gender Equality, which enjoys the support of Equality ministers and the European Parliament.

Country-Focused Issues: The prospect of EU membership has acted as a powerful incentive for new member states to undertake political and economic reforms, and is now acting as a spur to reform in the accession and candidate states (Bulgaria, Romania, Croatia and Turkey), the Western Balkans and in the wider European neighbourhood. The report goes on to discuss the European Neighbourhood Policy, and ENP Action Plans with a first series of countries with whom contractual relations were already in force (Israel, Jordan, Moldova, Morocco, the Palestinian Authority, Tunisia and Ukraine). A second group of Action Plans (Armenia, Azerbaijan, Egypt, Georgia and Lebanon) is being prepared. The report highlights the declarations focused on the growing oppression of political opposition forces in **Belarus**. It discusses some progress on human rights in **Egypt,** and states that the EU has taken up its concerns with the **Israeli and Palestinian authorities** at all levels, to respect human rights. The EU continues to have concerns about human rights in **Russia**, and **China**. There has been little or no progress in a number of areas of concern during the period under review. Serious violations of human rights have continued to occur in **Iran**and in the **Democratic Republic of the Congo,** as well as **Darfur, Western Sudan.** The deepening conflict in **Nepal** is also discussed. The influence of the EU varies enormously, and in most places it can only encourage and cajole, and occasionally condemn. In Europe, the EU has significant influence and acts as a powerful catalyst for change. One example is **Turkey,** where the enlargement process has provided significant incentive for reform.

Conclusion: This seventh human rights annual report demonstrates the extent to which human rights, democracy and good governance now decisively underpin the EU's external policies. The increase in the membership of the EU to 25 has only served to enhance the common purpose of the member states. Many of the new member states have had recent experience of human rights abuses and the absence of democracy and this has added a sharper focus and impetus to EU work in this field. The appointment of Michael Matthiessen as the Personal Representative on Human Rights to the Council's Secretary General, Javier Solana, together with an increasing number of EU Special Representatives, demonstrates that the EU is committed

to dedicating resources and specialist skills to take forward its policies. The strength of the EU resides in its potential to co-ordinate and co-operate on policies and actions. Where this is effective, it has the capacity to be persuasive, effective and to add real value to the efforts of member states. The adoption of Common Strategies and Common Positions, by aligning the foreign policies of member states, has limited the capacity of human rights transgressors to divide the EU. The report demonstrates that all the main political institutions of the EU play an active role in the promotion of human rights. Where the EU can demonstrate that it is fully respecting human rights

within its borders, its voice on such issues carries greater authority when it speaks in international

fora. It is noteworthy that the EU's stance on the death penalty carries greater weight, now that all member states have abolished it.

The successes highlighted in the report are very welcome. These include an enhanced regime to control the export of material used for torture, the tackling of child abuse via the internet, the focus on human rights defenders, and the promotion of the ICC within the States adhering to the Cotonou agreement. However, there have also been set-backs, including the failure to make real progress in a number of countries, and the active unwillingness of some in the UN General Assembly to address these situations. The reform of the UN machinery for protecting human rights is likely to be a major challenge for the EU in the year ahead.